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भाग 4 (ग)

उप-खण्ड (I)

राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

RAJASTHAN HIGH COURT, JODHPUR

NOTIFICATION

Jaipur, June 30, 2022

G.S.R.54 .-The High Court of Judicature for Rajasthan, in exercise of the rule making powers conferred upon it by Article 227 of the Constitution of India and all other powers enabling it in that behalf, and with the approval of Governor of Rajasthan makes following amendment in the General Rules (Civil & Criminal) 2018, namely:-

1. Short title and Commencement.- (i) These Rules may be called the General Rules (Civil & Criminal) (Amendment) Rules, 2022.

(ii) These Rules shall come into force from the date of publication in the Official Gazette.

2. Amendment in Order 20.- Following amendments shall be made in Order 20 of the General Rules (Civil and Criminal) Rules 2018 (hereinafter referred as 'Rules of 2018'):-

(i) After the existing Rule 42 of Order 20 following new Rule 42A shall be inserted:-

"42A. Appointment of Commissioner to assess the accurate description and status of property.- In appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the Court, the Court may appoint Commissioner to assess the accurate description and status of the property. The cost of the commission is to be borne by the parties."

(ii) After the existing Rule 65 of Order 20 following new Rules 65A, 65B and 65C shall be inserted:-

"65A. Examination of parties under order X of the Code in suits relating to delivery of possession.- In suits relating to delivery of possession, the court must examine the parties to the suit under Order X of the Code in relation to third party interest and further exercise the power under Order XI Rule 14 of the Code asking parties to disclose and produce documents, upon oath, which are in possession of the parties including declaration pertaining to third party interest in such properties."

"65B. Joinder of all necessary or proper parties to the suit.- After examination of parties under Order X of the Code or production of documents under Order XI of the Code or receipt of commission report, the Court must add all necessary or proper parties to the suit, so as to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit."

“65C.Disclosure of assets and demand of security in money suits.- In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit. The Court may further, at any stage, in appropriate cases during the pendency of suit, using powers under Section 151 of the Code, demand security to ensure satisfaction of any decree.”

- (iii) After the existing Rule 73(2) of Order 20 following new Rule 73(3) shall be inserted:-

"(3) The Court must, before passing the decree, pertaining to delivery of possession of a property ensure that the decree is unambiguous so as to not only contain clear description of the property but also having regard to the status of the property."

- (iv) After the existing Rule 76 of Head (G) in Order 20, following new Rules under new Head (H) shall be inserted:-

"(H) SPECIAL PROVISIONS RELATING TO EXECUTION OF DECREE

77. Immediate execution of decree for payment of money.- In a money suit, the Court shall resort to Order XXI Rule 11 of the Code, ensuring immediate execution of decree for payment of money even on oral application.

78. Objection on execution or decree by third-party.- The Court exercising jurisdiction under Section 47 or under Order XXI of the Code, may not issue notice on an application of third-party claiming rights in a mechanical manner. Further, the Court should refrain from entertaining any such application(s) that has already been considered by the Court while adjudicating the suit or which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.

79. Allowing evidence during execution proceedings.- The Court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.

80. Award of compensatory costs in frivolous or mala fide objections.- The Court shall in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to Sub-rule (2) of Rule 98 of Order XXI of the Code as well as grant compensatory costs in accordance with Section 35-A of the Code.

81. Time bound disposal of Execution Proceedings.- The Executing Court shall dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay.

82. Providing police assistance to execute the decree.- The Executing Court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the concerned Police Station to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the Court, the same must be dealt stringently in accordance with law."

3. **Amendment in Order 23.-** After the existing Rule 20 in Order 23 of Rules of 2018, new Rule 20A shall be inserted as follows:-

"20A. **Appointment of receiver to monitor the status of the property.-** In appropriate cases, the court may, under Order XL Rule 1 of the Code, appoint Court Receiver to monitor the status of the property in question as *custodia legis* for proper adjudication of the matter."

[No. 07/S.R.O./2022]

BY ORDER,

SURYA PRAKASH KAKRA,
REGISTRAR GENERAL.

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